

Comparison of Indigent Defense Pre- and Post-Louisiana Public Defender Act of 2007 (La. R.S. 15:141, et. seq.)

During the Regular Session of 2007 of the Louisiana Legislature, House Bill 436 was enacted to become Act No. 307 and provided for a significant overhaul of the state indigent defense system. Below is a comparison of select provisions of pre- and post-Louisiana Public Defender Act of 2007.

Agency:

Pre-Indigent Defender Act: Five person staff.

Post-Indigent Defender Act: Eighteen person staff.

Budget:

Pre-Indigent Defender Act: For fiscal year 2005-06, the budget was \$10,411,461.

Post-Indigent Defender Act: For fiscal year 2007-08, the budget increased to \$28,645,243.

District Defenders Appointed:

Pre-Indigent Defender Act: Upon the dissolution of the local boards, eight districts were left without any district defender or appropriate person managing the local public defender system.

Post-Indigent Defender Act: “Best practice” protocol is used to fill vacancies. Performance based contracts with district defenders are currently being developed.

District Assistance Fund Formula Improved:

Pre-Indigent Defender Act: The formula permitted districts to claim state funds without first accounting for local funds.

Post-Indigent Defender Act: A formula was developed to project each district’s expenditures based on the prior year’s financial data and to deduct from projected expenditures all locally generated revenues.

Annual Reports:

Pre-Indigent Defender Act: Reports were only intermittently produced reflecting public defense work statewide.

Post-Indigent Defender Act: Comprehensive caseload and financial data has been collected from which summaries on Louisiana’s forty-two defender districts and eight contract programs have been drafted. The report details all aspects of defense work in each district.

Standards:

Pre-Indigent Defender Act: Trial standards had been developed, but they were neither promulgated nor implemented.

Post-Indigent Defender Act: Adult trial performance standards were promulgated in April

2009. Capital guidelines were approved by the Indigent Defense Board and submitted for promulgation in January 2010. Capital, juvenile defender, and child in need of care standards are currently being developed.

Post-Conviction Representation Advocacy:

Pre-Indigent Defender Act: No systemic advocacy for post-conviction representation.

Post-Indigent Defender Act: In coordination with the Louisiana Supreme Court, the state public defender has prepared reports and begun a public education campaign.

Juvenile Representation Improvements:

Pre-Indigent Defender Act: No systemic advocacy by defenders in the juvenile justice system.

Post-Indigent Defender Act: The juvenile division has worked on a number of legislative recommendations including the prompt appointment of counsel, the presumption of indigency, and changes to the child in need of care procedure. Juvenile defenders have participated in statewide projects with the MacArthur Foundation, the Annie E. Casey Foundation, the National Juvenile Defender Center, and the Juvenile Indigent Defense Action Network. A juvenile defender email distribution list has been created to allow for the exchange of information and research. A juvenile defender training curriculum is currently being developed.

Recruitment:

Pre-Indigent Defender Act: There was no statewide program for recruiting new defenders.

Post-Indigent Defender Act: In the summer of 2009, Louisiana Public Defender Board created its first internship program. The board's staff also recruited at the Louisiana State Bar Association's job fair and collaborated with Equal Justice Works fellows for legal surveys.

Budget Committee/Ethics Recommendations:

Pre-Indigent Defender Act: Minimal statewide budget data and no proactive budget committee.

Post-Indigent Defender Act: There is an accounting of state and local funds as a result of improving the funding formula to the districts. The budget division of the board conducted statewide budgeting and accounting trainings that were free and open to all districts.

*Information provided by the Louisiana Indigent Defender Board. (2009)